

JC19 Rec'd PCT/PTO 3 1 MAY 2001

FORM PTO-1390 US DEPARTMENT OF COMMERCE
REV. 5-93PATENT AND TRADEMARK OFFICE

**TRANSMITTAL LETTER TO THE UNITED STATES
DESIGNATED/ELECTED OFFICE (DO/EO/US)
CONCERNING A FILING UNDER 35 U.S.C. 371**

ATTORNEYS DOCKET NUMBER

P01,0182

U.S. APPLICATION NO. (if known, see 37 CFR 1.5)

09/857084

INTERNATIONAL APPLICATION NO.
PCT/EP99/09497

INTERNATIONAL FILING DATE
04 DECEMBER 1999

PRIORITY DATE CLAIMED
04 DECEMBER 1998

TITLE OF INVENTION

METHOD OF MONITORING FOR AVAILABILITY OF A SYSTEM FUNCTION IN A COMPUTER SYSTEM

APPLICANT(S) FOR DO/EO/US

Jürgen NIESSEN et al.

Applicant herewith submits to the United States Designated/Elected Office (DO/EO/US) the following items and other information:

1. This is a **FIRST** submission of items concerning a filing under 35 U.S.C. 371.
 2. This is a **SECOND** or **SUBSEQUENT** submission of items concerning a filing under 35 U.S.C. 371.
 3. This express request to begin national examination procedures (35 U.S.C. 371(f)) at any time rather than delay.
 4. A proper Demand for International Preliminary Examination was made by the 19th month from the earliest claimed priority date.
 5. A copy of International Application as filed (35 U.S.C. 371(c)(2)).
 - a. ☒ is transmitted herewith (required only if not transmitted by the International Bureau).
 - b. ☐ has been transmitted by the International Bureau.
 - c. ☐ is not required, as the application was filed in the United States Receiving Office (RO/US)
 6. A translation of the International Application into English (35 U.S.C. 371(c)(2)).
 7. Amendments to the claims of the International Application under PCT Article 19 (35 U.S.C. §371(c)(3))
 - a. ☐ are transmitted herewith (required only if not transmitted by the International Bureau).
 - b. ☐ have been transmitted by the International Bureau.
 - c. ☐ have not been made; however, the time limit for making such amendments has NOT expired.
 - d. ☒ have not been made and will not be made.
 8. ☐ A translation of the amendments to the claims under PCT Article 19 (35 U.S.C. 371(c)(3)).
 9. ☒ An oath or declaration of the inventor(s) (35 U.S.C. 371(c)(4)).
 10. ☐ A translation of the annexes to the International Preliminary Examination Report under PCT Article 36 (35 U.S.C. 371(c)(5)).
- Items 11. to 16. below concern other document(s) or information included:**
11. ☒ An Information Disclosure Statement under 37 C.F.R. 1.97 and 1.98; **(PTO 1449, Prior Art, Search Report, one Reference)**.
 12. ☒ An assignment document for recording. A separate cover sheet in compliance with 37 C.F.R. 3.28 and 3.31 is included.
(SEE ATTACHED ENVELOPE)
 13. ☒ Amendment "A" Prior to Action and Appendix "A".
☐ A **SECOND** or **SUBSEQUENT** preliminary amendment.
 14. ☒ A substitute specification and substitute specification mark-up.
 15. ☒ A change of address letter attached to the Declaration.
 16. ☒ Other items or information:
 - a. ☒ Submission of Drawings, one sheet of drawings, Figs. 1-2
 - b. ☒ Appointment of Associate Power of Attorney
 - c. ☒ EXPRESS MAIL #EL 843728265 US dated May 31, 2001

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P01,0182

17. ☒ The following fees are submitted:

BASIC NATIONAL FEE (37 C.F.R. 1.492(a)(1)-(5):

Search Report has been prepared by the EPO or JPO \$860.00

International preliminary examination fee paid to USPTO (37 C.F.R. 1.482) \$690.00

No international preliminary examination fee paid to USPTO (37 C.F.R. 1.482) but international search fee paid to USPTO (37 C.F.R. 1.445(a)(2)) \$710.00

Neither international preliminary examination fee (37 C.F.R. 1.482) nor international search fee (37 C.F.R. 1.445(a)(2)) paid to USPTO \$1000.00

International preliminary examination fee paid to USPTO (37 C.F.R. 1.482) and all claims satisfied provisions of PCT Article 33(2)-(4) \$ 100.00

ENTER APPROPRIATE BASIC FEE AMOUNT =

CALCULATIONS

PTO USE ONLY

\$ 860.00

Surcharge of \$130.00 for furnishing the oath or declaration later than ☐ 20 ☐ 30 months from the earliest claimed priority date (37 C.F.R. 1.492(e)).

\$

Claims	Number Filed	Number Extra	Rate
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Total Claims	10 - 20 =	0	X \$ 18.00
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\$

Independent Claims	06 - 3 =	3	X \$ 80.00
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\$ 240.00

Multiple Dependent Claims			\$270.00 +
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\$

TOTAL OF ABOVE CALCULATIONS =

\$ 1100.00

Reduction by 1/2 for filing by small entity, if applicable. Verified Small Entity statement must also be filed. (Note 37 C.F.R. 1.9, 1.27, 1.28)

\$

SUBTOTAL =

\$ 1100.00

Processing fee of \$130.00 for furnishing the English translation later than ☐ 20 ☐ 30 months from the earliest claimed priority date (37 CFR 1.492(f)). +

\$

TOTAL NATIONAL FEE =

\$ 1100.00

Fee for recording the enclosed assignment (37 C.F.R. 1.21(h). The assignment must be accompanied by an appropriate cover sheet (37 C.F.R. 3.28, 3.31). \$40.00 per property +

TOTAL FEES ENCLOSED =

\$ 1100.00

Amount to be
refunded

\$

charged

\$

a. ☒ A check in the amount of \$ 1100.00 to cover the above fees is enclosed.

b. ☐ Please charge my Deposit Account No. _____ in the amount of \$ _____ to cover the above fees. A duplicate copy of this sheet is enclosed.

c. ☒ The Commissioner is hereby authorized to charge any additional fees which may be required, or credit any overpayment to Deposit Account No. 50-1519. A duplicate copy of this sheet is enclosed.

NOTE: Where an appropriate time limit under 37 C.F.R. 1.494 or 1.495 has not been met, a petition to revive (37 C.F.R. 1.137(a) or (b)) must be filed and granted to restore the application to pending status.

SEND ALL CORRESPONDENCE TO:

SCHIFF HARDIN & WAITE
PATENT DEPARTMENT
6600 Sears Tower
233 South Wacker Drive
Chicago, Illinois 60606-6473


SIGNATURE MARK BERGNER (REG. NO. 45,877)

DATE: May 31, 2001

CUSTOMER NUMBER 26574

09/857084

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CERTIFICATE OF MAILING BY EXPRESS MAIL

Express Mail Mailing Label Number EL 843728265 US

Date of Deposit: May 31, 2001

I hereby certify that this correspondence is being deposited with the United States Postal "Express Mail Post Office to Addressee" service under 37 CFR 1.10(c) on the date indicated above and is addressed to:

**BOX PCT
Assistant Commissioner for Patents
Washington DC 20231**

**Case Number: P01,0182
Applicant(s): Jürgen NIESSEN et al**

**International Application No. PCT/EP99/09497
International Filing Date 04 December 1999
Priority Date Claimed 04 December 1998**

**Title: Method of Monitoring for Availability of a System Function
in a Computer System**

Enclosed are the following documents:

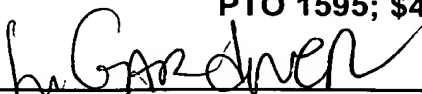
International application as filed;
English Translation;
Executed Declaration;
Change of Address form for Applicants' Representative;
Associate Power of Attorney;

PTO 1390 in duplicate;
Preliminary Amendment A Prior to Action and Appendix A;
Information Disclosure Statement, PTO 1449, Search Report, One Reference;

Submission of Drawings, one sheet of drawings, Figs. 1-2;
Substitute Specification and Substitute Specification mark-up;

Fee: \$1100.00
Postcard.

**(See attached envelope for Executed Assignment;
PTO 1595; \$40.00 filing fee; Postcard)**



Signature of person mailing documents and fees